

STATE OF MICHIGAN
COURT OF APPEALS

EBONY DUKES, by her Next Friend, TRACY
HUGHES and TRACY HUGHES, individually,

UNPUBLISHED
January 30, 2007

Plaintiffs-Appellants/Cross-
Appellees,

v

HARPER-HUTZEL HOSPITAL, f/k/a HUTZEL
HOSPITAL,

No. 255824
Wayne Circuit Court
LC No. 00-030844-NH

Defendant-Appellee/Cross-
Appellant,

and

DAVID BEACH COTTON, M.D.,

Defendant-Appellee.

Before: White, P.J., and Jansen and Wilder, JJ.

WHITE, P.J. (*concurring in part and dissenting in part*).

I concur in section III C of the majority opinion. I dissent from the disposition of the primary issue on appeal. I would remand for a *Daubert*¹ hearing regarding the reliability of Dr. Gabriel's testimony.

/s/ Helene N. White

¹ *Daubert v Merrell Dow Pharmaceuticals, Inc*, 509 US 579; 113 S Ct 2786; 125 L Ed 2d 469 (1993); MRE 702.